IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Bail Appl..No. 4081 of 2007()

CRMP.1640/2007 of ADDL. DISTRICT COURT (ADHOC), KOLLAM
CMP.5060/2007 of J.M.F.C.-II,KOTTARAKKARA
CRIME NO.180/2007 OF KADAKKAL POLICE STATION

.....

: PETITIONER/ACCUSED 13

NIVAS, S/O.HAKKIM, MELAKADU NZILA MANZIL
KOTTUKAL MURI, KOTTUKAL VILLAGE.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4081 of 2007

Dated this the 6th day of July, 2007

ORDER

Application for regular bail. The petitioner is the 13th accused. He is alleged to be the driver of the 1st accused. It is alleged that the 1st accused had animosity against the victim. The victim was allegedly kidnapped in pursuance of a conspiracy hatched by the 1st accused. From 19.04.2007 to 22.04.2007, the victim could not be traced. Crime was registered. Investigation is in progress. Accused 1to 10 have not been arrested yet. Accused 11 to 13 have been arrested. Accused 11 and 12 have already been enlarged on bail. The petitioner, the 13th accused continues in custody from 21.06.07. Reading from the remand report, the learned counsel for the petitioner submits that the only connection of the petitioner with the crime is that he offered aid and encouragement to the 1st accused to implement his scheme. The petitioner, who has remained in custody from 21.06.2007 may now be enlarged on bail, prays the learned counsel for the petitioner.

2. The learned Public Prosecutor opposes the application. The principal accused have not been arrested yet. The petitioner may not be enlarged on bail at this early stage. The investigation reveals that the petitioner played a crucial role in implementing the purpose

of the 1st accused. At any rate, reasonable further time may be granted to the Investigator to complete the investigation in a serious crime like the instant one, submits the learned Public Prosecutor.

3. I find merit in the opposition raised by the learned Public Prosecutor. I am satisfied, that in a case like this, the Investigators must be given reasonable further time to complete the investigation after the arrest of the petitioner. But it is not necessary to insist on endless detention of the petitioner to facilitate completion of investigation. Subject to appropriate conditions, which shall ensure the interests of a fair, efficient and expeditious investigation, the petitioner can be enlarged on bail, I am satisfied.

4. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall not be released on the strength of this order prior to 21.07.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioner shall make himself available for interrogation before the Investigating Officer from the date of his release between 10 a.m and 12 noon on all Mondays, Wednesdays and

Fridays for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so;

iv) The petitioner shall not leave the jurisdiction of the Kadakkal Police Station until further orders without the prior permission of the learned Magistrate.

(R.BASANT, JUDGE)

rtr/-